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APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,021	07/24/2001	Rajan K. Vempati	0778CG.035574	3494

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06/19/2003

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EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/911,021

Applicant(s)
Vempati

Examiner
Ivars Cintins

Art Unit
1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 6, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- ### Disposition of Claims
- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above, claim(s) 1-13, 20-23, and 33-37 is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 27-32 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 8
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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Applicant's election without traverse of Group III, claims 14-19 and 24-32, in Paper No. 7 is acknowledged. Also, during a telephone conversation on June 13, 2003, Mr. Charles D. Gunter, Jr. elected "zeolite coated with nanophase Mn-Fe oxide" as the adsorbent material species to which the claims shall be restricted if no generic claim is finally held to be allowable. Accordingly, claims 1-13, 20-23 and 33-37 are withdrawn from further consideration, as being directed to non-elected inventions.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 14-19 depend from a non-elected claim (i.e. claim 3), and are therefore indefinite. Applicant is advised that an amendment rewriting claim 14 in independent form would overcome this portion of the rejection. Also, claim 14 is incomplete and/or indefinite because this claim recites contacting the arsenic contaminated water with an adsorbent, but fails to recite that any constituent in the water is adsorbed by

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this material. Applicant is advised that amendment inserting the limitations of claim 16 into claim 14 would overcome this portion of the rejection. The term "the adsorption" (claim 17, line 1) lacks antecedent basis in the claims, and is therefore indefinite. Applicant is advised that amendment inserting the limitations of claim 16 into claim 14 would also overcome this portion of the rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith et al. (U.S. Patent No. 5,908,557). See col. 1, lines 10-12; col. 6, lines 12-14, 30-33, 39-41 and 44-48.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. in view of Grant et al. (U.S. Patent No. 5,330,658). Smith et al. discloses the claimed invention with the exception of the recited oxidizing agent. Grant et al. teaches (see col. 4, lines 1-3 and 6) that manganese dioxide is a well known oxidizing agent for contaminants. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the manganese dioxide of Grant et al. for the oxidizing agent of Smith et al. (see col. 6, lines 44-48), since this secondary reference manganese dioxide is capable of oxidizing trivalent arsenic to pentavalent arsenic in substantially the same manner as the oxidizing agent of the primary reference, to produce substantially the same results.

Claims 27-32 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 14-19 would also be allowed if rewritten or amended to overcome the above rejection under 35 U.S.C. § 112.


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Etzel et al. (U.S. Patent No. 5,591,346) discloses a similar process for removing arsenic contaminants from water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (703) 308-1261.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
June 13, 2003